

Caryn Lanzo

Aaron M. Ogletree vs. Cleveland State University, et al.

August 4, 2021



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August 4, 2021

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

AARON M. OGLETREE,)
)
Plaintiff,)
vs.) Case No. 1:21-cv-00500
) Judge J. Phillip
CLEVELAND STATE UNIVERSITY,) Calabrese
et al.,)
)
Defendants.)

- - - - -
THE DEPOSITION OF CARYN L. LANZO
WEDNESDAY, AUGUST 4, 2021
- - - - -

The deposition of CARYN L. LANZO, called by
the Plaintiff for examination pursuant to the
Federal Rules of Civil Procedure, taken before me,
the undersigned, Charles A. Cady, Notary Public
within and for the State of Ohio, taken remotely
via Zoom, commencing at 10:00 a.m., the day and
date above set forth.

CADY REPORTING SERVICES, INC.

August 4, 2021

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1 APPEARANCES:

2
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CARYN L. LANZO

of lawful age, called by the Plaintiff for examination pursuant to the Federal Rules of Civil Procedure, having been first duly sworn, as hereinafter certified, was examined and testified as follows:

EXAMINATION OF CARYN L. LANZO

BY MR. BESSER:

Q Would you please state your full name.

A Caryn Lanzo.

Q Do you have a middle name?

A Louise.

Q Okay.

MR. MARTI: Matt, before you get into it, let me just make those objections, get that out of the way. So I'm going to make two continuing objections.

The first is as to the use of 30(b)(6) here. CSU is no longer a party. So that raises some doubts about whether 30(b)(6) is still available.

In addition, we would submit that the witness' testimony is not relevant because, as was established in prior deposition, she works for a different department with

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1 different procedures than handled the exam at
2 issue in this case.

3 That having been said, go ahead. We
4 won't raise the matter any further. Just go
5 ahead with the deposition.

6 MR. BESSER: Thank you.

7 Q Okay. That's Caryn, C-A-R-Y-N, right?

8 A Correct.

9 Q Caryn, you are in what is called a
10 deposition.

11 Have you ever given a deposition before?

12 A No.

13 Q All right. Just a couple things. They're
14 common sense, but so we're on the same page.

15 You are under oath. It's a similar oath,
16 the same in substance, that you would take if
17 you were to testify in court.

18 Do you understand that?

19 A Yes.

20 Q Is there any reason at all why you can't
21 either understand my questions today or
22 testify truthfully?

23 A No.

24 Q If at any time you don't or can't hear one of
25 my questions, can you communicate to me now

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1 that you'll just let me know?

2 A Yes.

3 Q Even though it's normal in conversation to
4 nod and shake the head for yes and no, that
5 doesn't show up on the transcript so I'll
6 just ask you to give me verbal answers,
7 please.

8 A Okay.

9 Q And because Chuck here is taking down
10 everything we say, if you could just give me
11 a chance to get out my full question, and
12 I'll do the same for your answers the best I
13 can. Okay?

14 A Yes.

15 Q All right. Thanks. We're doing this by
16 Zoom. We're doing this remotely.

17 Is there anyone in the room with you?

18 A No.

19 Q Do you have a cell phone open, or a tablet?

20 A I have my cell phone next to me.

21 Q All right. That's fine. I'll just ask you
22 not to communicate with anyone during my
23 questioning, either by text or any other
24 electronic means. Is that okay?

25 A Yes.

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1 Q If you need a break at any time, let me know.

2 A I will.

3 Q You are employed as the Director of the
4 Center for eLearning Cleveland State
5 University; is that correct?

6 A Correct.

7 Q How long have you held that job?

8 A Since 2014.

9 Q How long have you been employed by CSU?

10 A 31 years.

11 Q The Center for eLearning, what position, what
12 department within the university does that
13 report up to?

14 A We report to a vice-provost for academic
15 planning.

16 Q Have you always worked in the Center for
17 eLearning at Cleveland State or have you been
18 in other departments?

19 A No, I've been in other departments. I've
20 been with the Center for eLearning -- I was
21 interim director from about 2012 to 2014.
22 Prior to that I had kind of a shared role
23 with the Center for eLearning and the College
24 of Urban Affairs. Prior to that I was with
25 the College of Urban Affairs. That was it.

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1 My very first job at Cleveland State was
2 working in the Office of Alumni Relations.
3 That's pretty much the whole history I think.

4 Q How long have you been with the Center for
5 eLearning?

6 A I probably started sharing my time with them
7 around 2010.

8 Q What are your central job duties as the
9 director of the Center?

10 A Well, I oversee all Center activities. And
11 our Center is responsible for managing the
12 technology infrastructure for online
13 learning. We train and assist faculty in
14 setting up online courses. We train and help
15 all Blackboard users at the university, so
16 students, faculty and staff. Pretty much
17 anything related to online learning, my
18 Center is responsible for that.

19 Q You say you manage the tech infrastructure
20 for online learning. Could you explain that
21 to me in layman's terms?

22 A So the online learning technology
23 infrastructure consists of the learning
24 management system, which is Blackboard. So
25 that's kind of the hub of everything. And

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1 then there are many integrations that are
2 integrated with Blackboard, so Lecture,
3 Capture, Plagiarism Detection, our Starfish
4 system, which is kind of like a retention
5 system, course evaluations, proctoring
6 applications.

7 Sometimes instructors will use
8 third-party publisher sites for their courses
9 so they're integrated with Blackboard. So
10 just various applications like that.

11 Q When you say "applications," is that the same
12 as a computer program?

13 A Kind of, but I mean they're usually
14 cloud-based applications for online learning.

15 Q So am I right that you report to the
16 vice-provost?

17 A Yes.

18 Q And nobody within the department -- you don't
19 report to anyone within the department, the
20 Center for eLearning?

21 A Correct.

22 Q Are you familiar with the school's remote
23 testing policies for online tests?

24 A Yes.

25 Q And have you been aware of what the school's

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1 online testing policies and procedures are
2 since 2017?

3 A So I guess I would ask what policies that
4 you're specifically asking about?

5 Q Okay. Yes. Thank you for asking for
6 clarification.

7 So am I correct that Cleveland State has
8 a set of policies or procedures or standards
9 to guide the giving of online tests to
10 students?

11 A Our faculty senate developed guidelines for
12 that, yes.

13 Q Are those guidelines used by the Center for
14 eLearning, or is there a different set of
15 standards that the Center for eLearning
16 follows for that?

17 A No. They are the same standards.

18 Q Have you ever either published or given
19 speeches on remote testing, specifically
20 integrity in remote testing?

21 A Have I personally --

22 Q Yes.

23 A -- published or given speeches?

24 I'm sure that over the years I've
25 probably done some training activities around

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1 proctoring, but I have not published anything
2 external to CSU about proctoring.

3 Q All right. You had mentioned a set of
4 procedures that the faculty senate passed.

5 Were you referring to what's called the
6 "Required Procedures & Recommended Practices
7 to Address Security and Quality of eLearning
8 Courses"?

9 A Yes.

10 Q I'm going to -- I've sent that to counsel.

11 I'm going to share my screen and show you
12 that document, a document, and tell me if you
13 recognize it.

14 MR. BESSER: I think we'll
15 mark that as [Exhibit 5](#), if that's okay, Todd.

16 MR. MARTI: Sure.

17 - - - - -

18 (Plaintiff's [Exhibit 5](#) was marked.)

19 - - - - -

20 Q Are you able to see that?

21 A Yes.

22 Q What is this document?

23 A This is a document that outlines recommended
24 practices for security and quality of online
25 courses.

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1 Q At Cleveland State?

2 A Correct.

3 Q Is this document still in effect?

4 A Yes.

5 Q Okay. I just mean the school still uses it?

6 A Yes.

7 Q And were you involved in the creation of this
8 document, this policy and procedure document?

9 A I was.

10 Q Who else was involved in creating this
11 policy?

12 A There's a -- the faculty senate consists of a
13 number of subcommittees and there's an
14 electronic learning committee. So I'm an
15 ex-officio member of that committee. And the
16 committee is typically comprised of faculty
17 from, like one faculty member from each
18 college usually, and there's usually a
19 student representative on that committee and
20 a few other ex-officio committee members as
21 well, the staff people as well.

22 Q I'm going to highlight. Do you see what I've
23 highlighted there in the first paragraph?

24 A Yes.

25 Q Okay. What I've highlighted says "These

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1 procedures and practices have been developed
2 based on recommendations from the University
3 Electronic Learning Committee following a
4 review of the literature on best practices,
5 and experiences of faculty members with
6 teaching experience in online courses, in
7 consultation with the director of the Center
8 for eLearning."

9 Does that statement accurately reflect,
10 as far as you know, the people who had input
11 in the creation of this policy document?

12 A Yes.

13 Q So that's a bunch of different sources of
14 folks who had input into what the school's
15 procedures would be, right?

16 A Yes.

17 Q The director for the Center for eLearning was
18 you at that time, right?

19 A Correct.

20 Q And then the University Electronic Learning
21 Committee was involved?

22 A Yes.

23 Q Is that the committee that you mentioned
24 before, a couple minutes, just a minute ago?

25 A Yes.

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1 Q Was it them who reviewed the literature on
2 best practices, or someone else?

3 A I believe they did some of that research.

4 Q Okay. And where did the experience of
5 faculty members with online teaching come
6 from, if you know?

7 A I believe it came from some of the committee
8 members on the University Electronic Learning
9 Committee.

10 Q And I should back up. This policy is from
11 May of 2016; is that right?

12 A That sounds about right.

13 Q And the purpose of this policy is, among
14 other things, to ensure the integrity of
15 remote tests, correct?

16 A Yes.

17 Q How long has Cleveland State been doing
18 remote testing, about?

19 A I believe one of our first agreements with an
20 external vendor for remote testing began
21 around 2014. But I'm sure that there was
22 remote testing being done whether or not that
23 was proctored. It's also possible that
24 proctoring occurred through other third-party
25 applications.

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1 Q Does the university allow professors to give
2 take-home tests?

3 A I mean I don't know if there's specifically a
4 rule that you can't have take-home tests, but
5 I think faculty have a great deal of autonomy
6 in how they conduct their courses.

7 Q Are you aware whether any professors give
8 take-home tests?

9 A No.

10 Q It's not a trick question. I just --

11 A No. I mean I think it's possible, but I
12 don't know for sure.

13 Q I'm going to highlight another statement here
14 in the first paragraph. Do you see what I've
15 highlighted?

16 A Yes.

17 Q Okay. "There are no perfect ways to prevent
18 student cheating in either tradition,
19 face-to-face, or eLearning classes."

20 Is that a true statement?

21 A I believe that's a true statement.

22 Q Do you think that this policy that the school
23 has come up with, this Required Procedures &
24 Recommended Practices document, do you think
25 these policies and practices have been

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1 effective with respect to preserving test
2 integrity?

3 A Yes.

4 Q What do you base that opinion on? I'm not
5 challenging the veracity of your opinions.
6 What did you base your opinions on?

7 A Well, I think it makes -- that they're more
8 effective than not having any guidelines. I
9 don't think, you know, as stated in the
10 document, I don't think they're perfect and
11 there's probably not any way to ensure that
12 students won't cheat 100 percent.

13 But I think having these guidelines in
14 place helps give faculty members a better
15 understanding of practices that will help
16 ensure the integrity of their exams.

17 Q Are you aware of any problems with the
18 implementation of these procedures and
19 practices with respect to online testing?
20 Have you observed any problems? Has anyone
21 brought any problems to your attention?

22 A Problems with procedure or problems with
23 implementing them?

24 Q Well, any ways in which the procedures and
25 practices have not been effective in

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1 preserving test integrity in allowing
2 teachers to test remotely.

3 A I mean I'm not really sure how to answer that
4 question. I guess I don't really understand
5 what --

6 Q Okay. Yes. Yes. If you don't understand,
7 tell me.

8 Since the implementation of this policy
9 document, have there been significant
10 problems with the school's ability to give
11 remote tests with respect to preventing
12 cheating?

13 A I wouldn't say there's been significant
14 problems. I mean I think there's sometimes
15 situations where either instructors will come
16 back to us and ask questions, or ask us to
17 review a test that they've already given.

18 Q All right. I want to ask you a little bit
19 about the school's remote testing steps. If
20 you need to see that document again, let me
21 know.

22 Am I correct that before a student at
23 Cleveland State can take a remote test, they
24 must give the school a photo ID?

25 A They need to show their ID at the beginning

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1 of taking of remote or proctored online
2 exams.

3 Q Is it also true that before a student takes
4 online classes, they need to provide the
5 school with a photo ID just to be able to
6 take an online class?

7 A Well, that is definitely the preferred
8 process, but what we have learned over time
9 is that that isn't always necessarily the
10 case. Typically, when a student comes into
11 Cleveland State, they get a CSU ID.

12 Some students who are not local to our
13 area don't come to campus to complete that
14 process. So they wouldn't necessarily have
15 that picture, you know, ID with that picture
16 on it.

17 Q So what then does the school do to make sure
18 that a student who appears on camera for a
19 remote test is the person they claim to be?

20 A Well, so in that case I think part of the
21 workflow that is part of a proctored exam is
22 that they would hold up an ID that showed
23 their name, you know, with their face on it
24 and then have -- you know, and then they're
25 on the camera too so you can see that person

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1 is the same as on the ID.

2 Q I'm going to share my screen again just to
3 put that same policy document back up.

4 Can you see it?

5 A Yes.

6 Q Okay. So at the bottom of page 1, there's a
7 heading "Required Procedures" and a number 1.

8 Do you see that?

9 A Yes.

10 Q Okay. "At the time of registration,
11 CampusNet will ensure that students enrolling
12 in these courses are already photo-identified
13 in the system."

14 Can you just sort of rephrase that into
15 layman's terms? I think I know what it
16 means.

17 A Well, CampusNet is our, is where students
18 register. So I mean I would say this is more
19 of kind of a wish that did not happen, that
20 they would be able to set up some mechanism
21 in that registration system that wouldn't
22 allow a student to register for an online
23 course until they had that CSU ID picture in
24 the system.

25 Q And the purpose of this is to eliminate

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1 impersonation and to ensure that the same
2 student enrolled in the course is attending
3 the online lectures and taking the exams; is
4 that correct?

5 A Correct.

6 Q So this is listed under a required procedure,
7 but in fact the school has not absolutely
8 required it?

9 A Well, I wouldn't say that the school hasn't
10 absolutely required it because there's still
11 the workflow at the beginning of an exam that
12 requires the student to show their ID.

13 Q Sure. I mean the part about "at the time of
14 registration"?

15 A Right. We have not implemented that here.

16 Q And if we scroll down, there's also a heading
17 for "Recommended Practices."

18 Can you explain to me generally what the
19 recommended practices relate to?

20 A I believe most of the recommended practices
21 relate to the settings for an actual test in
22 Blackboard. So there's a lot of different
23 settings that instructors can choose from
24 when they set up an exam. So I think the
25 committee thought it was important for other

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1 faculty to understand what their different
2 options were in setting up exams to make --
3 to basically make the exam more secure.

4 Q "More secure" meaning to prevent cheating?

5 A Right. Prevent the likelihood that students
6 would cheat or be tempted to cheat.

7 Q So is it correct to say that the recommended
8 practice -- the point of these recommended
9 practices is to prevent cheating?

10 A Yes.

11 Q And I'm going to highlight a sentence there.

12 "These are general guidelines and up to
13 the faculty member's discretion to implement
14 based on course requirements, needs and
15 outcomes."

16 Does that mean that each professor can
17 decide what is necessary to preserve the
18 integrity of their remote test?

19 A Yes.

20 Q And there are a couple suggestions, like
21 randomizing questions, using timed tests,
22 narrowing the testing window, those sorts of
23 things, right?

24 A Correct.

25 Q And if we scroll down towards the bottom of

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1 page 3, Roman numeral XVI references

2 "different types of remote proctoring tools
3 for enhanced online test security and
4 proctoring."

5 Do you see that?

6 A Yes.

7 Q Can you explain to me sort of in plain
8 English what that means?

9 A Well, all of the applications listed here are
10 different proctoring applications, so they're
11 actually different platforms. So faculty had
12 a choice from, you know, which application
13 was best suited to their needs.

14 Q So these are different computer programs or
15 computer tools that professors could choose
16 from when giving an online test?

17 A Yes.

18 Q It is true, isn't it, that nowhere in the
19 Required Procedures & Recommended Practices
20 document does the school require or suggest
21 the use of room scan when conducting a remote
22 test?

23 A I don't recall if that's in these guidelines
24 or not. I'd have to look through them again.
25 You may be correct.

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1 Q Okay. Would you like to take the time to
2 review it? I'm happy to. We can take a
3 short break and I can have you review it.

4 A I mean I think that's up to you.

5 Q Okay. Let's do that, just for the record.

6 MR. BESSER: So let's just
7 take, I don't know, five minutes. And if you
8 need more time, you know, we'll give you more
9 time.

10 Off the record, Chuck.

11 (Recess taken.)

12 MR. BESSER: Let's go back
13 on the record.

14 BY MR. BESSER:

15 Q Caryn, my question is, does CSU, in the
16 Required Procedures & Recommended Practices
17 to Address Security and Quality of eLearning
18 Courses, require or suggest the use of a room
19 scan for remote testing?

20 A No.

21 Q Let me switch gears for a second, although
22 it's related.

23 When someone remote tests, it's usually a
24 proctor and not the professor who watches the
25 test; is that right?

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1 A I think -- well, I think it depends on what
2 type of application you're using.

3 Q Let me take out the timing, the percentage
4 qualification.

5 There are some instances of online
6 testing where the school would use a proctor
7 to administer the test, correct?

8 A Yes.

9 Q And the school has some minimum required
10 qualifications for someone to serve as a
11 proctor. That is to say, it can't just be
12 anyone off the street, correct?

13 A Yes.

14 Q I'm going to show you another document, which
15 I think we have previously marked as
16 Exhibit 1.

17 - - - - -

18 (Plaintiff's Exhibit 1, previously marked, was
19 referenced.)

20 - - - - -

21 Q Is this a form you've seen before?

22 A Yes.

23 Q Can you tell me what it is?

24 A This is a form that my unit created because
25 we wanted to have a process if a student was

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1 not local and couldn't come in to take a
2 required exam.

3 So sometimes an online course or a
4 blended course will require an in-person
5 exam. So this form was created for students
6 to use if they, for some reason, couldn't
7 come to campus. They would fill out this
8 form and we would help them come up with an
9 alternate solution to coming to campus.

10 Q The box in the bottom half of page 1 says
11 "Proctor Agreement."

12 Do you see that?

13 A Yes.

14 Q Could you tell me what that is for?

15 A So that would be -- so, you know, it might be
16 that students are taking a course here but
17 they're really a student at another
18 university or they live out of state but they
19 can go to their local state university and
20 take it in that university's library or
21 something like that.

22 So this is where they, the proctor who
23 would proctor their exam, would give us the
24 information about who they were and where the
25 student would be taking the test.

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1 Q I see. And that proctor is required to
2 adhere to the guidelines on page 2 of the
3 document, correct?

4 A Yes.

5 Q Before we move to page 2, at the bottom of
6 page 1, I've highlighted a sentence there.

7 Can you see that?

8 A Yes.

9 Q It says "Please decline this invitation if
10 you have a clear or apparent conflict of
11 interest to protect the student's academic
12 record and the academic integrity of
13 Cleveland State University. Approval of
14 proctors is at the discretion of the course
15 instructor who has the right to deny the use
16 of a proctor."

17 That statement is directed toward the
18 prospective proctor, correct?

19 A Yes.

20 Q And the purpose of requiring proctors to not
21 proctor if they have a conflict of interest
22 is to ensure test integrity, correct?

23 A Correct.

24 Q So moving on to page 2, can you tell me what
25 page 2 concerns? And let me know if you need

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1 me to scroll.

2 A Can you zoom in on it a little bit?

3 Q Yes.

4 A What was your question?

5 Q What is this page about?

6 A Basically, just the requirements of who would
7 be a suitable proctor and examples of
8 acceptable proctor-type roles.

9 Q What is the reason why Cleveland State sets
10 requirements for who can serve as a proctor?

11 A Well, you know, we don't want the students to
12 come back and say "My sister is going to
13 proctor my exam." You know, so I think just
14 best practices in kind of laying out the
15 guidelines for who would be a suitable
16 proctor.

17 Q The proctor guidelines are safeguards to help
18 preserve test integrity, correct?

19 A Correct.

20 Q You mentioned a little bit ago that when a
21 student appeared or shows up to take an
22 online test, they have to show a photo ID,
23 correct?

24 A Correct.

25 Q Can you sort of walk me through the steps of

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1 how an online test would occur in a given
2 class from start to finish?

3 A Well, I mean I think there's a pretty
4 standard workflow that takes place regardless
5 of how an exam is being proctored, whether
6 that's live proctoring via Zoom or, you know,
7 using another application.

8 So typically when the students enter into
9 the exam, they are asked to show their ID
10 next to their face so you can clearly see and
11 read the ID and be able to tell that that
12 person is the same person that is on the ID.

13 And then they're asked to do a room scan
14 of their environment, kind of like a 360
15 view, to determine -- so that whoever is
16 watching them take the exam can see that
17 there's no one else in the room, you know,
18 they're not -- they don't have other devices
19 that they're using to communicate with
20 somebody else.

21 And then they basically take the exam
22 while being proctored. And when they submit
23 their exams, then that proctoring would end.

24 Q Those are the procedures for an online test,
25 correct?

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1 A Those are the procedures for a proctored
2 test, yes. I mean you could have an online
3 test without being proctored at all, but,
4 again, that's faculty discretion.

5 Q I see. Okay. If a student is having a
6 non-proctored test, then there's no room scan
7 of course, right?

8 A Correct.

9 Q I heard you say the student has to show a
10 photo ID, then they perform a room scan, then
11 they would take the test, right?

12 A Yes.

13 Q Where is the room scan policy derived from?
14 Who determined the room scan policy?

15 MR. MARTI: Objection to
16 the use of the term "policy."

17 Go ahead and answer.

18 Q All right.

19 A Um --

20 Q Let me back up. Let me back up to adjust to
21 the objection.

22 When a test is proctored online, is a
23 room scan required in every instance?

24 A I would say yes. I think it is built into
25 any proctoring application.

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1 Q When you say "built into any proctoring
2 application," are you referring to the online
3 computer programs, the tools?

4 A Yes.

5 Q Or are you using that term more generally?

6 A Well, I was referring to the tools, but I
7 think it could be used more generally as
8 well.

9 Q Okay. I don't want to put words in your
10 mouth. I'm just trying to understand them.

11 A Yes. I think it's a standard practice for
12 online proctored exams.

13 Q At Cleveland State?

14 A Anywhere.

15 Q Anywhere. All right.

16 Who determined that that would be, that
17 the room scan would be a standard practice
18 for online proctored exams at Cleveland
19 State?

20 A I feel like no one really determined that. I
21 think it is part of the workflow in any of
22 the proctoring applications that we have
23 reviewed from outside vendors.

24 Q Is the room scan step written down somewhere
25 in a Cleveland State document as part of the

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1 workflow for online proctored tests?

2 A The room scan is part of the instructions
3 when students go into a proctored exam.

4 Q You mean the verbal instructions the proctor
5 gives to the student?

6 A Well, yes, in the case that a proctored exam
7 is live proctored.

8 Q So my question is are those instructions that
9 a room scan should happen for a remote
10 proctor test, are those instructions written
11 down somewhere by Cleveland State? Is there
12 a document that shows this?

13 A Not that I am aware of.

14 Q How is it communicated, how is or was it
15 communicated to online test practitioners
16 that they should be conducting a room scan?

17 A All of the applications that I oversee in my
18 Center are recorded proctoring options, and
19 they're provided by outside vendors, and the
20 room scan is part of the workflow in that
21 application.

22 So when a student's -- for example, when
23 a faculty member was giving an exam and they
24 are using Respondus, students would get all
25 of the Respondus instructions prior to

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1 entering that exam.

2 So, yes, it's written for the students to
3 see before they go in, but I think those
4 recorded applications are a little bit
5 different than a live proctoring scenario.

6 Q I have some follow-up questions about that.

7 What is the difference in terms of a
8 recorded exam versus a live proctored exam?

9 A A live proctored exam may be like this,
10 through Zoom, where someone is watching you
11 take your exam at the time that you're taking
12 it; where a recorded proctored exam just
13 makes a recording of that student taking the
14 exam that can later be reviewed.

15 Q Is a room scan required for both, recorded
16 and live?

17 A I know that the room scan is required on any
18 recorded applications that we use. We --

19 Q You just cut out. You just cut out. I'm
20 sorry.

21 A I'm sorry. The room scan is required for the
22 recorded proctoring applications that we use.

23 Q And the same is true for the live proctored
24 exams?

25 A I mean I suspect they are, but, again, we

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1 don't -- my unit doesn't oversee that, so I
2 can't say for sure what others' workflows
3 are. My unit doesn't oversee live proctored
4 exams.

5 Q The Center for eLearning does not conduct
6 live proctored exams?

7 A We don't staff them, no.

8 Q Who staffs live proctored exams?

9 A Well, I think if instructors want to have a
10 live proctored exam, they would staff that
11 themselves or otherwise make an arrangement
12 with their academic department.

13 Q And it's true that for a live proctored exam
14 Cleveland State does not require that
15 professors have a room scan conducted before
16 an online test?

17 A I'm not aware of any requirements for live
18 proctored exams.

19 Q Other than the exhibit I showed you, the
20 policy document, are there written policies
21 and procedures governing the administration
22 of live proctored exams?

23 A I don't know.

24 Q So you're the director for the Center for
25 eLearning.

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1 Does the Center for eLearning handle
2 policies and procedures for remote classes,
3 the giving of online classes?

4 A We develop a lot of guidelines for the
5 delivery of online classes based on best
6 practices.

7 Q Is there another department within the
8 university that has authority over the giving
9 of online classes?

10 A I'm not sure what you're asking me.

11 Q Okay. Yes. Let's say I'm a professor of --
12 you know, I'm teaching an introductory
13 history class but I want to teach it
14 remotely.

15 Where do I go as a professor to determine
16 what are my authorities and limitations as to
17 what I can do online teaching?

18 A Um --

19 Q Or what procedures and tools are available to
20 me? Where do I find that?

21 A So I think it's a collaborative effort
22 between the academic department and our
23 Center. So, for example, we have
24 instructional designers who would work with
25 faculty on setting up their online courses

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1 according to best practices.

2 However, the curriculum and what they do
3 in the course is really an academic decision
4 that's determined by the academic department
5 depending on what they want their learning
6 outcomes to be.

7 Q I think you said, when I asked you about your
8 job duties, you said one of the things the
9 Center does is train and assist faculty in
10 giving online courses.

11 A Yes.

12 Q Is that true?

13 A Yes.

14 Q And I think you also said anything related to
15 online learning. Can you clarify that? I
16 mean if there are carve-outs, could you just
17 sort of let me know what the carve-outs are?

18 A You said besides live proctoring? I don't
19 understand what you're asking.

20 Q I think, when I asked you about your job
21 duties, you listed a couple things that the
22 Center does. One of them I think you said
23 was anything related to online learning, but
24 you also said a minute or so ago that the
25 Center does not handle live proctoring,

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1 right?

2 A We don't staff live proctoring.

3 Q There's a disconnect I'm not getting. I
4 understand you don't staff live proctoring.

5 What then is the Center's involvement in
6 live proctoring?

7 A We really don't have a lot of involvement in
8 live proctoring.

9 Q Is there any involvement? I'm just trying to
10 understand.

11 A Only maybe like on a faculty consultation, if
12 a faculty member was trying to figure out how
13 they could -- you know, what the technical
14 capabilities would be to do -- you know, to
15 conduct a test over a synchronous platform.

16 Q You said the Center handles the programs for
17 doing recorded proctoring, right?

18 A Yes.

19 Q And you said that a room scan is part of the
20 workflow for each of those tools?

21 A Yes.

22 Q Is workflow another way of saying the steps
23 or instructions?

24 A Um --

25 Q I'm just trying to understand how you used

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1 that word, "workflow."

2 A I think it's a standard industry-wide
3 practice that the ID and the room scan occurs
4 at the beginning of a proctored exam.

5 Q What's your understanding, where did that
6 understanding come from, that it's a standard
7 industry practice?

8 A From reviewing various proctoring platforms.

9 Q "Proctoring platforms" meaning different
10 computer tools or programs?

11 A Yes, offered by different vendors.

12 Q Can you tell me -- you know, as you sit here,
13 what are the different proctoring tools or
14 platforms that you can think of?

15 A Well, we have Respondus and Honorlock right
16 now. We have contracted with Tegrity and
17 ProctorU in the past.

18 Q Are there other tools that you're aware of?

19 A Yes. You mean that we don't use here?

20 Q Yes.

21 A Yes, there's a lot of them.

22 Q So does someone within the Center administer
23 the recorded proctored exams? I mean does
24 someone need to be there to set the students
25 up, open up the exam, conduct the room scan?

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1 A No. The room scan is all -- is part of the
2 recorded -- the recording that's created by
3 the proctored exam. So the faculty just sets
4 that up when they set up their test.

5 Q So how does a student get into the exam?

6 A They would just find it in their course and
7 click on it.

8 Q Through Blackboard you mean?

9 A Yes.

10 Q And then they're given a set of instructions?

11 A Yes.

12 Q And is the first one that you have to like
13 take a screenshot of your photo ID?

14 A Well, it depends on the application, if it
15 required them to download something or
16 install a browser extension to be able to use
17 the tool. And then it would tell them that
18 they were required to show their ID and then,
19 you know, do a room scan before taking that
20 test.

21 Q There's not someone from your office talking
22 to the student saying "Show me your ID. Do
23 the room scan"?

24 A No.

25 Q "Here's the test"?

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1 A No. It's automated by the applications.

2 Q And do you believe that each of the online
3 testing tools that CSU uses requires a room
4 scan?

5 A Yes.

6 Q How many people work in the Center for
7 eLearning?

8 A There's 10 full-time positions, and then we
9 usually have three to five graduate
10 assistant/student positions.

11 Q What are the job titles of the people who
12 work in the Center?

13 A Director, senior -- we have senior
14 instructional designers and media developers,
15 online course and materials developers. We
16 have one administrative assistant and a
17 learning management system accounts
18 administrator.

19 Q Anything else?

20 A No. I think that about covers it.

21 Q When the Center is training faculty on
22 eLearning, does it train faculty on the tools
23 available for remote testing?

24 A Yes.

25 Q Is that training conducted by video, by

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1 written instruction, in person or some other
2 way?

3 A Well, we have one kind of core faculty course
4 that we try to put everyone through, although
5 it's not required. And there is a section in
6 that course that covers proctoring, and we --
7 faculty take that course in Blackboard as
8 students, so they kind of get the experience
9 of taking a course from a student
10 perspective. And we do have a proctored exam
11 in there so that they have a sense of how
12 that works for students.

13 Q Are the faculty given or shown any written
14 materials about the different tools and how
15 they work?

16 A In that course or in their office?

17 Q Either.

18 A Yeah, I mean it's out there for them. You
19 know, we have information on our website.
20 There's information in the faculty course.
21 There's written instructions for the
22 different applications that we have.

23 Q Are the written instructions created by CSU
24 or created by the individual vendors?

25 A I believe what we have on our website now are

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1 documentation from the vendors.

2 Q And that's the instructions that, that would
3 be given to the professors?

4 A Yes.

5 Q It is up to an individual professor's
6 discretion which remote proctoring tools to
7 use, if any, correct?

8 A Correct.

9 Q A teacher could do a remote proctored exam
10 without using any of the tools you mentioned,
11 Honorlock or Respondus, correct?

12 A Correct.

13 Q Are there requirements for where a student
14 must be when they take a remote test?

15 A No.

16 Q I'm going to show you a document which I
17 think is from your website. We previously
18 marked it Exhibit 2.

19 - - - - -

20 (Plaintiff's Exhibit 2, previously marked, was
21 referenced.)

22 - - - - -

23 Q Can you see that document?

24 A Yes.

25 Q Is this a page from the Center for eLearning

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1 website?

2 A Yes.

3 Q Yes?

4 A Uh-huh. Yes.

5 Q I just couldn't hear you. Thanks.

6 What does this -- it looks like it's a
7 three-page document. I'll show you whatever
8 you want to see.

9 Can you tell me what this web page shows?

10 A Um --

11 Q You see it's titled "Test Proctoring
12 Resources"?

13 A Yes, I see that. I was just trying to see if
14 this was a faculty-focused page or a
15 student-focused page.

16 Q I think it says --

17 A Faculty.

18 Q -- "Please note that this page primarily
19 contains student resources. If you are
20 faculty at CSU --"

21 A Oh, okay. Yes.

22 Q "-- you can access proctoring resources --"

23 A Yes.

24 Q Does that help you?

25 A Yes.

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1 Q Can you explain what this page shows?

2 A Just giving information to students about
3 Respondus and Honorlock. I believe we have
4 lab locations listed, so sometimes students
5 don't have their own computer, they don't
6 have control over their own computer so they
7 can't install applications or add browser
8 extensions, so they might want to come to
9 campus to take an exam so we have lab
10 locations if that's their predicament.

11 Q Let me just focus on the top of the page
12 here. I've highlighted a sentence that says
13 "Cleveland State University uses three
14 proctoring tools to promoting a fair testing
15 environment for any exam offered through
16 Blackboard. These products are," then it
17 lists three.

18 Are these the remote proctoring
19 applications you mentioned before?

20 A Yes.

21 Q Are there others that CSU currently uses?

22 A It's possible that there are other
23 applications that would be used by students
24 at CSU.

25 Q Can you give me an example?

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1 A Sometimes, like if an instructor is using
2 integrated publisher materials, those
3 platforms have their own proctoring service,
4 so it's possible that they could use
5 something other than these two products, or
6 three products, I should say.

7 Q Those would not be administered through your
8 office, or they would?

9 A No, they're not administered through my
10 office. I mean I wouldn't even -- other than
11 contracting with the vendors and providing
12 the tools, even exams that are using these
13 tools aren't really administered through my
14 office.

15 Q Okay.

16 A We're providing the technology for
17 instructors to use to conduct proctored
18 exams.

19 Q I'm going to take these tools a little bit
20 out of order. Number 3 is Honorlock. Do you
21 see that?

22 A Yes.

23 Q Could you explain -- how would you explain to
24 someone who is not very tech savvy what
25 Honorlock is?

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1 A Honorlock is a proctoring application so
2 students take an exam using an extension on
3 the browser that records their activity while
4 they're taking the exam.

5 Honorlock does have a live proctor pop-in
6 feature. So if there is suspected activity,
7 then the Honorlock vendor has practitioners
8 that will pop in and intervene, ask the
9 student a question, you know, ask them
10 "Please close your book," or whatever the
11 particular flag is there they would try to
12 address.

13 Q And how does Honorlock identify potential
14 flags? Through artificial intelligence?

15 A They pretty much all flag through artificial
16 intelligence. The difference between
17 Honorlock and Respondus is that they have the
18 -- Honorlock has the live proctoring feature.
19 So it's being reviewed, you know, probably
20 several exams are being reviewed by a proctor
21 while they're in progress. It also records
22 the students taking that exam.

23 Q So Honorlock is both recorded and live
24 proctored; is that right?

25 A Yes. But it's not one-to-one live

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1 proctoring.

2 Q Next to the Honorlock description it says
3 "Instructors choose parameters for testing
4 environment."

5 What does that mean?

6 A Well, they have some choices in terms of the
7 settings for the exam or what they want their
8 students to be able to do and not do. So
9 sometimes they won't want them to navigate to
10 other websites; sometimes they do allow them
11 to do that. So it's all kind of in the setup
12 when instructors set that up in advance, what
13 they want that custom taking environment to
14 look like.

15 Q That could also include having an open book
16 test?

17 A Yeah, or a calculator, something like that.

18 Q We have talked a little bit about a room
19 scan. Again, just sort of for the benefit of
20 those who aren't tech savvy, how would you
21 explain what a room scan is?

22 A So a room scan occurs at the beginning of the
23 exam where a student is asked to show their
24 surroundings and show a 360 view with their
25 camera of the environment where they're

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1 taking the exam.

2 Q And is the room scan recorded?

3 A Yes.

4 Q Where is the recording stored?

5 A On the vendor's cloud.

6 Q Okay. So the recording is stored by a third
7 party separate from CSU?

8 A Correct.

9 Q Does CSU also have access to the recording?

10 A Yes.

11 Q How long is the recording maintained?

12 A I honestly don't remember if they're even the
13 same for both of these vendors. I would have
14 to go back and look at the individual
15 agreements. I don't know off the top of my
16 head.

17 Q Do the vendors guarantee the security of the
18 recordings in terms of data breach?

19 A They agree to the same security standards
20 that the university is required to have.

21 Q Do you know if, have you ever heard of any
22 vendor data breach questions for remote
23 proctoring?

24 A No.

25 Q Do you know whether the vendors have the

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1 ability to sell any data that they report?

2 A I don't believe that they do.

3 Q Did you sign the contracts with the vendors?

4 A Did I personally sign them?

5 Q Yes. Do you sign or review the contracts
6 with the vendors?

7 A I receive them, yes.

8 Q But you're not the signatory? You're not the
9 signer?

10 A I'm definitely not the signer on Honorlock.

11 I may have been the signer on Respondus.

12 Q Do you know who signed for CSU for Honorlock?

13 A Probably the provost or one of the
14 vice-provosts. It's based on dollar amount,
15 so.

16 Q How long does a room scan take?

17 A Probably like a couple of seconds.

18 Q If a test is recorded, that is to say, not
19 live proctor, how would the university or the
20 vendor know whether the student even did the
21 room scan?

22 A I think for both of these applications the
23 student doesn't progress to the exam until
24 they do the ID and the room scan.

25 Q But there's not a person checking to see if

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1 that's done in realtime, correct?

2 A No.

3 Q Is it then the application that determines
4 whether the room scan has been done?

5 A Yes.

6 Q Does anyone review all the videos to
7 determine that the room scan has been done?

8 A No.

9 Q Would it be possible to trick the application
10 into believing the room scan has been done?

11 A I mean I don't think so, but I guess it's
12 possible.

13 Q We may come back to this, but I'm going to
14 show you what we previously used as
15 Exhibit 3.

16 - - - - -

17 (Plaintiff's Exhibit 3, previously marked, was
18 referenced.)

19 - - - - -

20 Q Can you see that?

21 A Uh-huh. Yes.

22 Q Okay. What is Exhibit 3?

23 A Honorlock guidelines.

24 Q So these are the guidelines published by one
25 of the remote testing vendors CSU uses?

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1 A Correct.

2 Q Are these the guidelines that CSU follows
3 when using Honorlock?

4 A Yes.

5 Q Do you see the fourth bullet down, "Students
6 must show the work area as well as the entire
7 room during the room scan"?

8 A Yes.

9 Q This refers to the room scan procedure that
10 you were just mentioning a minute ago, at
11 least when Honorlock is concerned?

12 A Yes.

13 Q At the top it says, "If a faculty member
14 provides no testing guidelines, our proctors
15 will abide by the following guidelines."

16 So my question is: When using Honorlock,
17 does the student see or talk to a live person
18 before starting the exam, a live proctor?

19 A No.

20 Q The faculty member can provide guidelines
21 when using Honorlock, correct?

22 A Correct.

23 Q And the bullet points right below that
24 paragraph are the Honorlock default
25 guidelines.

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1 A Correct.

2 Q Correct?

3 A Yes.

4 Q But a professor could opt out of any or all
5 of these under Honorlock, correct?

6 A I don't know if they could opt out of the
7 room scan, but they could say "I want my
8 student to be able to use a calculator" or
9 "They're allowed to use one page of notes" or
10 something like that. It's possible. I don't
11 remember if they can opt out of the room scan
12 or not.

13 Q Let's go back to Exhibit 2, the Test
14 Proctoring Resources page. The other two
15 tools or applications listed are Respondus
16 LockDown Browser and Respondus Monitor.

17 Do you see that?

18 A Yes.

19 Q Can you explain what those are and what the
20 difference between the two tools is?

21 A Well, they're really companion tools, so
22 Respondus LockDown Browser is the core
23 application, and that's a proprietary browser
24 that students would download to take the
25 exam. And, basically, it locks them into

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1 that browser so they can't navigate to other
2 applications on their computer or, you know,
3 they can't use that web browser to do
4 anything else except take the exam. So
5 that's the core application.

6 Some faculty may use LockDown Browser
7 just by itself just because they want to have
8 a secure browser when students are taking the
9 exam.

10 They can also, with LockDown, use
11 Respondus Monitor, which is the piece that
12 allows them to take the test via a webcam and
13 basically do the recorded proctoring.

14 Q LockDown Browser is essentially a tool to
15 help prevent cheating in remote tests,
16 correct?

17 A Yes.

18 Q And there's no room scan involved in the use
19 of LockDown Browser, correct?

20 A Correct. It's not a proctoring tool that
21 creates a video recording unless it's used
22 with Respondus Monitor.

23 Q So it is true that the Center for eLearning
24 does not require a room scan for every remote
25 test because a professor could use just

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1 LockDown Browser by itself?

2 A For every remote proctored test or every
3 remote test? I guess I'm asking you to
4 clarify your question.

5 Q Well, fair. So you draw a distinction
6 between a remote test and a remote proctored
7 test?

8 A Yes.

9 Q Okay.

10 A Yes.

11 Q The distinction being what?

12 A Not all exams are proctored.

13 Q Let me back up and ask a more basic question.

14 What does it mean to have a test
15 proctored, so we're speaking the same
16 language here?

17 A Well, I would define proctoring as a test
18 that either has recorded or live proctoring.

19 Q And the Center for eLearning administers
20 remote tests that are proctored and it will
21 administer remote tests that are not
22 proctored, correct?

23 A We provide the tools that allow instructors
24 to administer tests that are either proctored
25 or not proctored.

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1 Q I see. And one of those tools is the
2 LockDown Browser, which does not require a
3 room scan, correct?

4 A Correct. But LockDown Browser by itself
5 isn't really a proctoring tool as much as it
6 is a proprietary browser for test taking.

7 Q It's not a proctoring tool but it is a tool
8 that students use at CSU to take remote
9 tests, correct?

10 A In some cases, yes.

11 Q So Respondus Monitor is sometimes used in
12 conjunction with LockDown Browser and it
13 records the test by the student's webcam,
14 right?

15 A Correct.

16 Q And how does Respondus Monitor operate to
17 detect or deter cheating?

18 A It records the student taking the exam.

19 Q I can understand that might deter, but how
20 does it detect cheating?

21 A Well, artificial intelligence detecting
22 certain things. If it detects suspicious
23 activity, it will set a flag in that
24 recording that the instructor can later go
25 back and review.

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1 Q In your view, are Respondus, LockDown Browser
2 and Respondus Monitor, effective at
3 preventing or catching cheating?

4 A Yes.

5 Q I think you mentioned a tool that the school
6 used to use called Tegrity Remote Proctoring?

7 A Yes.

8 Q Is that T-E-G-R-I-T-Y or D-Y?

9 A T-Y.

10 Q What was that tool? How did it work?

11 A That tool was similar to Respondus Monitor
12 except it did not require the use of a locked
13 browser.

14 Q When did the school stop using Tegrity?

15 A At the end of December 2019.

16 Q Was there a reason?

17 A We had actually contracted with that vendor
18 primarily for -- it was a lecture capture
19 system with a feature that could be used for
20 student proctoring, and Tegrity discontinued
21 their institutional subscription for Tegrity.
22 It was purchased by one of the publishers and
23 used exclusively in their platform, so
24 individual schools just couldn't subscribe to
25 it anymore.

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1 Q That's when the school, or about then is when
2 the school started using Honorlock?

3 A No. We started using Honorlock in the fall
4 of 2020.

5 Q So in between then, the school's main tools
6 or the Center's main tools were the two
7 Respondus tools?

8 A Correct.

9 Q Let me put Exhibit 2 back up on the screen
10 for a second. And we're almost done, I
11 think.

12 Just so you can see, this is still
13 Exhibit 2. Okay?

14 A Yes.

15 Q And if we scroll to the second page -- well,
16 to the bottom of the first and on to the
17 second page, there's the heading "Taking an
18 Exam with Respondus LockDown Browser."

19 Do you see that?

20 A Yes.

21 Q So are these the guidelines students are to
22 follow when using LockDown Browser?

23 A Yes.

24 Q And then below that there's a heading "Taking
25 an Exam with Respondus LockDown Browser and

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1 Monitor."

2 Do you see that?

3 A Yes.

4 Q So these are the additional guidelines to
5 follow when a student is using Respondus
6 Monitor?

7 A Yes.

8 Q These guidelines don't mention a mandatory
9 room scan, do they?

10 MR. MARTI: Objection. The
11 document speaks for itself.

12 You can go ahead and answer, though.

13 Q Well, I mean we've talked about the technical
14 language. I want to make sure that I'm not
15 misinterpreting some technical language of
16 something that suggests a room scan is
17 required for Respondus Monitor. So just take
18 a second and look through.

19 A I mean I think these are just more general
20 guidelines on when a student goes into a
21 Respondus exam from a Blackboard course, they
22 then get more specific guidelines.

23 Q The guidelines given by the Blackboard
24 program or by the Respondus Monitor program?

25 A By the Respondus Monitor program via the

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1 integration with Blackboard.

2 Q Okay. But on this Exhibit 2, the web page
3 given to students, the website published as a
4 student resource, these guidelines do not
5 list the use of a room scan; is that correct?

6 A I don't see it.

7 MR. BESSER: Let's take
8 maybe five minutes. I think I'm done, but
9 let me just review my notes to make sure.
10 Okay?

11 MR. MARTI: Very good.

12 THE WITNESS: Yes.

13 (Recess taken.)

14 BY MR. BESSER:

15 Q Caryn, I have two things for you before we're
16 done.

17 The first is, are there other steps or
18 security measures that CSU takes to ensure
19 the integrity of remote testing, other than
20 the items we've talked about this morning?

21 A We have some reports embedded in Blackboard
22 that faculty can use to see more information
23 about student activity, including the IP
24 address from where they logged in, how much
25 time they spent in the exam.

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1 Q Any other steps you can think of?

2 A What was the question again?

3 Q Yes. Any other steps, you know, general or
4 specific steps, that the school takes to
5 ensure students don't cheat on remote tests,
6 other than the topics we've talked about this
7 morning?

8 A Are you referring to remote tests or remote
9 proctored tests?

10 Q Both.

11 A Well, I think other than the guidelines that
12 the faculty senate created and the reports
13 and the proctoring, that pretty much covers
14 everything.

15 Q All right. And then the other item was, are
16 you saying that Respondus Monitor always
17 requires a room scan?

18 A Yes.

19 Q All right. Are you aware that -- let me back
20 up.

21 Is that a CSU policy or a Respondus
22 Monitor program requirement?

23 A It's a Respondus Monitor program requirement.

24 Q All right. I'm going to show you a document.
25 Before I do that, let me send a copy to

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1 counsel. Bear with me one second. One
2 second. I'm going to e-mail it.

3 MR. BESSER: Todd, let me
4 know when you get it and when I can go.

5 MR. MARTI: I have it,
6 Matt.

7 MR. BESSER: Okay.

8 - - - - -

9 (Plaintiff's [Exhibit 6](#) was marked.)

10 - - - - -

11 Q Caryn, have you ever been on the Respondus
12 website?

13 A Yes.

14 Q I'm going to share my screen with you one
15 last time.

16 I'm sharing my screen with you. Can you
17 see it?

18 A Yes.

19 Q Can you see I'm on a web page for Respondus?

20 A Yes.

21 Q Okay. That is the web page I have PDF'd and
22 sent as [Exhibit 6](#) to counsel.

23 Do you see there is a heading there
24 "Using LockDown Browser with a webcam: The
25 student experience"?

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1 A Uh-huh.

2 Q Yes?

3 A Yes.

4 Q And then it walks down some steps. You can
5 tell me whatever you want to see. I'm going
6 to scroll down a little bit.

7 Step 4. Do you see step 4, "Complete the
8 start-up steps"?

9 A Yes.

10 Q The first bullet is, "If your exam requires
11 the use of a webcam, sometimes referred to as
12 Respondus Monitor, you'll be guided through a
13 brief set of screens prior to the start of
14 the exam."

15 Did I read that right?

16 A Yes.

17 Q The second bullet point is, "The first screen
18 is a webcam check where you can make sure the
19 webcam is working properly. Additional steps
20 may be required by your instructor, such as
21 showing your identification, or recording a
22 brief video of your examination setting."

23 Did I read that right?

24 A Yes.

25 Q The "brief video of your examination

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1 setting," is that the room scan we've been
2 talking about?

3 A Yes.

4 Q According to the Respondus website, this says
5 that the room scan is a step that may be
6 required by the instructor, right?

7 MR. MARTI: Objection. The
8 document speaks for itself.

9 You can go ahead and answer.

10 A Yes.

11 Q And you're saying that CSU requires a room
12 scan when using Respondus Monitor, correct?

13 It's not an accusatory question. I'm
14 just trying to understand what the standard
15 is at CSU.

16 A Well, I think the standard using any
17 proctoring application would be to do a room
18 scan.

19 Q The CSU standard, you mean?

20 A I mean I feel like an industry-wide standard.

21 Q You agree with me that Respondus's website
22 does not say that it's required for Respondus
23 Monitor, correct?

24 A I agree with you.

25 MR. BESSER: All right.

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1 Caryn, I very much appreciate your time. I
2 don't have anything further. Your counsel
3 will advise you from here. Okay?

4 THE WITNESS: Yep.

5 MR. MARTI: Caryn, I have a
6 few questions for you. Do you want to take a
7 break or do you want to keep going? I'm only
8 going to take about 10 minutes.

9 THE WITNESS: We can keep
10 going.

11 MR. MARTI: Okay.

12 EXAMINATION OF CARYN L. LANZO

13 BY MR. MARTI:

14 Q Caryn, my name is Todd Marti. I represent
15 the defendants in this case.

16 Do you know who Hilda Zana is? I believe
17 she goes by the name of Iris, I believe.

18 A Yes.

19 Q Okay. Where does she work?

20 A She works in Testing Services.

21 Q Is that part of your office within CSU?

22 A It is not.

23 Q So the various procedures we've been
24 discussing don't apply to her at CSU?

25 MR. BESSER: Objection.

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1 A No.

2 Q Okay. Now, I think we discussed earlier that
3 there's probably no perfect way to prevent
4 cheating. Do you recall that?

5 A Yes.

6 Q So does that mean we just quit trying?

7 MR. BESSER: Objection.

8 Go ahead.

9 Q You can answer the question.

10 MR. BESSER: Yes. I don't
11 have the right, Caryn, to tell you not to
12 answer questions, but I'm objecting for the
13 record.

14 A All right. I don't -- no, I don't think we
15 quit trying.

16 Q Okay. Now, we earlier discussed the part of
17 the process where the student presents his or
18 her ID at the beginning of the test.

19 Do you recall that?

20 A Yes.

21 Q Does that happen in the vast majority of the
22 remotely proctored tests?

23 A Yes.

24 Q Okay.

25 A I think so.

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1 Q And do you recall, we looked at Exhibit 1,
2 which is a proctoring form that your office
3 put together. Do you remember that?

4 A Yes.

5 Q So does that form only cover situations where
6 the proctor and the student are physically
7 together?

8 A Yes.

9 Q Okay.

10 A It's -- yes.

11 Q Okay. So it wouldn't apply to a remotely
12 proctored test?

13 A Correct.

14 Q So we just looked at what's been marked as
15 [Exhibit 6](#), which was the document from
16 Respondus.

17 MR. MARTI: Matt, I'm going
18 to show my lack of technical skills. Can you
19 put that back up on the screen for me?

20 MR. BESSER: Yes, if I can
21 find it. I've got to find it. One second.

22 MR. MARTI: All right.

23 MR. BESSER: Okay.

24 MR. MARTI: Thanks, Matt.

25 And if you could scroll all the way up to

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1 the top.

2 MR. BESSER: I'm at the top.

3 MR. MARTI: That's not what
4 I'm looking at.

5 MR. BESSER: Well --

6 MR. MARTI: Is that 6?

7 MR. BESSER: Well, I can
8 pull up the PDF of [Exhibit 6](#). You know, it
9 doesn't PDF all that great. But is this what
10 you mean?

11 This is a PDF version of the website.

12 MR. MARTI: What I'm
13 looking at is what you e-mailed us a few
14 moments ago.

15 MR. BESSER: It should be
16 this. Hold on. This is what I e-mailed a
17 few moments ago.

18 MR. MARTI: Yes. Yes. Is
19 that what you marked as 6?

20 MR. BESSER: It is, yes.

21 MR. MARTI: All right.

22 Q So, Caryn, is it fair to say that this deals
23 with Respondus rather than Respondus Monitor?

24 MR. BESSER: Objection.

25 Q You can answer if you know.

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1 A I mean I'm not sure what you're asking. It
2 looks like a table of contents.

3 Q Well, we discussed earlier that there's two
4 types of Respondus tools; there's Respondus
5 and then Respondus Monitor.

6 Do you remember that?

7 A Yes.

8 Q Can you briefly explain the difference
9 between the two tools?

10 A Respondus LockDown Browser is a proprietary
11 browser that locks the environment once the
12 student opens that browser to take an exam so
13 they can't navigate outside of that browser
14 until they're done taking -- until they
15 submit their exam.

16 Respondus Monitor is a companion product
17 to LockDown Browser that records -- creates a
18 recording of the student taking the exam.

19 Q Okay. So looking at [Exhibit 6](#), which of
20 those two tools does this describe?

21 A Respondus LockDown Browser and Respondus
22 Monitor.

23 Q You're saying it applies to both of them?

24 A I'm saying that LockDown Browser is the
25 proprietary browser that locks students into

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1 a browser while they're taking the exam, and
2 Respondus Monitor is the application that
3 records them taking the exam.

4 Q Okay. I probably didn't ask that question
5 very well, and I apologize.

6 So looking through [Exhibit 6](#), does
7 [Exhibit 6](#) describe Respondus LockDown or
8 Respondus Monitor or both?

9 A I mean I don't think it really describes
10 either one of them. I mean what's on the
11 screen now?

12 Q Yes.

13 A It looks like a table of contents. It looks
14 like a table of contents. I don't think it
15 applies to either one. It just lists them.

16 Q Okay.

17 MR. MARTI: Matt, is it
18 possible to give her control of the document?

19 MR. BESSER: I don't know.
20 If I can, I will.

21 MR. MARTI: You know, I'll
22 tell you what. Let's just move on.

23 MR. BESSER: Oh, I can.

24 MR. MARTI: You can?

25 MR. BESSER: Caryn, see if

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1 you've got control now.

2 THE WITNESS: Control in what
3 way?

4 MR. BESSER: To move up and
5 down.

6 MR. MARTI: To go up and
7 down.

8 MR. BESSER: Don't go
9 reading my file.

10 Wait a minute. Wait a minute. Hold on.
11 Let me get out of my e-mail. Hold on.

12 MR. MARTI: Yes.

13 MR. BESSER: Let me get out
14 of my e-mail here. Wait. Wait. Wait.

15 MR. MARTI: I'll tell you
16 what.

17 MR. BESSER: It's okay.
18 I'll get you there. It's right here. Okay,
19 go ahead.

20 THE WITNESS: Okay.

21 MR. BESSER: Just scroll up
22 and down.

23 MR. MARTI: That's not the
24 document I'm looking at though.

25 MR. BESSER: That's Exhibit

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1 6. This is Exhibit 6. Same thing.

2 MR. MARTI: Well, it's not
3 the one I'm working from so --

4 MR. BESSER: All right.
5 Hold on. I'll pull up -- let me go into my
6 e-mail and I'll pull up --

7 MR. MARTI: I'll tell you
8 what, Matt. This is my part of the
9 deposition. We're just not going to go into
10 this document anymore so we don't need to do
11 that.

12 MR. BESSER: It's fine.
13 Either way. I'm trying to get to it.

14 MR. MARTI: It's fine.
15 Let's just move on.

16 MR. BESSER: Okay.

17 MR. MARTI: Matt, can you
18 put Exhibit 2 back up for us, please.

19 MR. BESSER: Yes.

20 MR. MARTI: And if there's
21 a way to give me control.

22 MR. BESSER: I bet I can do
23 it, yes. Which one do you have as Exhibit 2?

24 MR. MARTI: It starts off
25 with "Cleveland State University Engaged

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1 Learning" and "Respondus LockDown Monitor --
2 LockDown Browser and Monitor." It's a web
3 page.

4 MR. BESSER: "Test
5 Proctoring Resources."

6 MR. MARTI: Exactly, yes.

7 MR. BESSER: Yes. Hold on.

8 MR. MARTI: Thank you.
9 Appreciate it.

10 MR. BESSER: I'll give
11 control over to you.

12 Q So, Caryn, I believe you testified this is a
13 resource that CSU provides to its students.

14 A Correct.

15 Q Exhibit 2. Is this something they're
16 directed to, or how would a student know that
17 it's there?

18 A I mean they would be able to find it if they
19 were looking for it, but this is not the --
20 you know, we don't necessarily direct
21 students to this. If students are taking an
22 exam in their course that uses one of these
23 tools, those instructions for them will be
24 located in their course.

25 Q So it is on CSU's website for students

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1 though?

2 A Yes.

3 MR. MARTI: Okay. I don't
4 think I have any more questions for you, but
5 what I'd like to do, Matt, is take a
6 five-minute recess, confer with co-counsel,
7 and then come back on.

8 MR. BESSER: Yes. Totally
9 fine.

10 (Recess taken.)

11 BY MR. MARTI:

12 Q Caryn, one last question.

13 Do you recall [Exhibit 5](#) we talked about
14 at the beginning of this deposition, the
15 Required Procedures & Recommended Practices
16 document?

17 A Yes.

18 Q So where did that come from again?

19 A Our faculty senate electronic learning
20 committee.

21 Q So is it the full senate that produced this
22 document?

23 A The electronic learning committee primarily
24 produced the document, but reviewed, I don't
25 remember if any revisions were made by the

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1 full faculty senate, but reviewed and
2 accepted by the full faculty senate.

3 Q So is this like a binding regulation within
4 CSU?

5 A No. I mean I would say anything coming out
6 of faculty senate are, you know, recognized
7 and collegial recommendations made for other
8 faculty.

9 Q So guidance but not mandate?

10 A Correct.

11 MR. MARTI: I don't have
12 any other questions.

13 MR. BESSER: Me either.

14 Caryn, you have the right to read this
15 transcript if it's printed out. You also
16 have the ability to waive that right. Do you
17 have a preference one way or the other?

18 THE WITNESS: Not really.

19 MR. MARTI: Okay. So it
20 sounds like you're not interested in reading.

21 THE WITNESS: No.

22 MR. MARTI: Okay. Fair
23 enough.

24 MR. BESSER: Thanks,
25 everybody, for your time.

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1 MR. MARTI: Caryn, thank
2 you for your time. Much appreciated.

3 - - - - -

4 (Deposition concluded at 11:58 a.m.)

5 - - - - -

6 (Signature waived.)

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THE STATE OF OHIO,)
COUNTY OF CUYAHOGA.)

SS:

I, Charles A. Cady, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that CARYN LANZO was first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by him was by me reduced to stenotypy in the presence of said witness, afterwards transcribed on a computer/printer, and that the foregoing is a true and correct transcript of the testimony so given by him as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified. I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio, on this 17th day of August, 2021.



A handwritten signature in cursive script that reads "Charles A. Cady".

Charles A. Cady, Notary Public
within and for the State of Ohio
My Commission expires November 3, 2024.